

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

Roger L. Belfay

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# PCT

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Date of mailing (day/month/year)	16 SEPTEMBER 2008 (16.09.2008)
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Applicant's or agent's file reference

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/US2008/005595**

International filing date (day/month/year)

**30 APRIL 2008 (30.04.2008)**

Priority date(day/month/year)

01 MAY 2007 (01.05.2007)

International Patent Classification (IPC) or both national classification and IPC

*B65D 30/14(2006.01)i, B65D 33/38(2006.01)i*

Applicant

**Kaczmarek, Daniel Steven**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR  
Korean Intellectual Property Office  
Government Complex-Daejeon, 139  
Seonsa-ro, Seo-gu, Daejeon 302  
-701, Republic of Korea  
Facsimile No. 82-42-472-7140



Date of completion of this opinion

16 SEPTEMBER 2008 (16.09.2008)

Authorized officer

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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2008/005595

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of :

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

**WRITTEN OPINION OF THE  
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International application No.

**PCT/US2008/005595**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-21	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	3-21	YES
	Claims	1-2	NO
Industrial applicability (IA)	Claims	1-21	YES
	Claims	NONE	NO

**2. Citations and explanations :**

Reference is made to the following documents:

D1: JP 3261543 B2  
D2: JP 06-002911 Y2  
D3: JP 01-114550 U

**1. Novelty and Inventive Step**

**1.1. Claims 1-2**

Claim 1 is related to a portable liquid-dispensing bag comprising: an outer bag having a second re-sealable opening, and a fitment portal for connecting the outer bag to a liquid containing bag.

D1 is regarded as being the closest prior art and discloses a liquid dispensing bag comprising an outer big bag (1), and a cap (5) for connecting the outer big bag (1) and a small bag (figure 4).

The bag of claim 1 differs from that of D1 in that D1 does not disclose expressly that the cap is the liquid proof manner. However, D2 discloses a spout (11) of liquid supply in a liquid proof manner, and it would have been obvious to a person skilled in the art to replace the cap of D1 with the spout of D2, thereby arriving at the invention as specified in claim 1. Therefore claim 1 lacks an inventive step under PCT Article 33(3).

Because the advantage of the re-sealable opening could readily be foreseen by a person skilled in the art, it would have been obvious to the skilled person to replace the multiple inner bags (2A, 2B) of D3 to the liquid dispensing bag of D1, thereby arriving at the invention as specified in claim 2.

(Continued in the Supplemental Box.)

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.  
Continuation of:

Box V.

1.2 Claims 3-21

The subject matter of claims 3-21 differs from the disclosures of D1-D3 in that a set of vacuum arms is configured with a set of cutting positions. Accordingly, claims 3-21 would not have been obvious to a person skilled in the art by the documents of D1-D3, taken alone or in combination. Therefore, claims 3-21 meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

2. Industrial Applicability

Claims 1-21 are industrially applicable under PCT Article 33(4).